

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
ESTHER SALAS
UNITED STATES DISTRICT JUDGE

MARTIN LUTHER KING
COURTHOUSE
50 WALNUT ST.
ROOM 5076
NEWARK, NJ 07101
973-297-4887

November 9, 2012

LETTER ORDER

Re: *J.M., et al. v. Township of Irvington, et al.*
Civil Action No. 11-cv-00278 (ES)

Dear Counsel:

Pending before this Court is Plaintiffs J.M., a minor, by her guardian, T.M.'s (collectively, "Plaintiffs") Motion for Default Judgment. (D.E. No. 39).

Local Civil Rule 7.1 provides that "[n]o application will be heard unless the moving papers *and a brief*, prepared in accordance with L.Civ.R. 7.2 . . . are filed with the Clerk" L.Civ.R. 7.1(d)(1) (emphasis added). Local Civil Rule 7.1 further states that "[i]n lieu of filing any brief . . . a party may file a statement that no brief is necessary and the reasons therefor." L.Civ.R. 7.1(d)(4). Plaintiffs, however, have failed to file either a brief or a statement that no brief is necessary. (*See* D.E. No. 39). Plaintiffs' default judgment motion is therefore improper under the Local Civil Rules. *See Developers Sur. & Indemnity, Co., v. NDK Gen. Contractors, Inc.*, No. 06-0086, 2007 WL 542381, at *2 (D.N.J. Feb. 15, 2007) ("Because Plaintiff's application [for default judgment] does not meet the requirements of Local Civil Rule 7.1(d)(1), the Court will not hear Plaintiff's application.").

Plaintiffs' motion is therefore denied without prejudice. Plaintiffs may refile a default judgment motion, in compliance with this Court's Local Civil Rules, within thirty (30) days of this order.

SO ORDERED.

s/Esther Salas
Esther Salas, U.S.D.J.